

Schedule 150-3-8

HEALTH AND HUMAN SERVICES SYSTEM

LEGAL SERVICES

JUNE 19, 2007

**Nebraska Records Management Division
440 South 8th Street, Suite 210
Lincoln, NE 68508
(402) 471-2559**

**REQUEST FOR APPROVAL
OF RECORDS RETENTION
AND DISPOSITION SCHEDULE**

**TO: STATE RECORDS ADMINISTRATOR
STATE OF NEBRASKA**

SCHEDULE

150-3-8

AGENCY, BOARD OR COMMISSION

Health & Human Services System

DIVISION, BUREAU OR OTHER UNIT

Legal Services

**Supersedes 35-15 edition September 28, 1989;
40-1-4 edition February 21, 1990**

PART I -- AGENCY STATEMENT

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE

William M. Chavitt

TITLE

DATE

6/14/07

PART II - ARCHIVAL APPROVAL

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE

M. J. B. J.

STATE ARCHIVES

DATE

6-19-07

PART III -- APPROVAL BY STATE RECORDS ADMINISTRATOR

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE

Jim Lacey

STATE RECORDS ADMINISTRATOR

DATE

June 19, 2007

RMA 01005D

INSTRUCTIONS FOR USING THIS SCHEDULE

Records retention and disposition schedules are designed to serve as your records management guidelines for storing and disposing of agency records, ***regardless of the media on which they reside, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc.*** This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. These retention schedules, which are approved by the State Records Administrator, provide your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

DISPOSING OF RECORDS

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
3. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. If you wish, you may receive this form electronically by contacting the Records Management Division. This report establishes that the destruction was performed in your normal course of business.

Please remember to retain the blank form for future use.

NON-SCHEDULED RECORDS

Contact a Records Management Consultant in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

SCHEDULE UPDATE

It is the responsibility of each agency to periodically update their schedule. A Records Management Consultant in Records Management can assist you with the schedule update, which involves adding new records and making revisions to existing items. Keeping your schedule current will ensure that you have the ongoing authority to discard records when their useful life has ended.

QUESTIONS

If you have any questions about these procedures, please contact your agency Records Officer or your Records Management Consultant in Records Management. We will help you with any questions the schedule may present, including: transferring records to the State Records Center or State Archives, microfilming records, scanning records, etc.

**Records Management Division
440 South 8th Street, Suite 210
Lincoln, NE 68508-2294
402-471-2559**

INDEX

SCHEDULE 150-3-8 HEALTH AND HUMAN SERVICES SYSTEM LEGAL SERVICES

	Item	Page
<u>GENERAL LEGAL SERVICE FILES</u>	150-3-8-1	5
ADVICE FILES, REGULATION FILES, LEGISLATION FILES.....	150-3-8-1-1	5
<u>CASE FILES</u>	150-3-8-1-2	6
CASE FILES--CASES BEFORE THE DEPARTMENT, CASE FILES—COURT OR OTHER ACTIONS HANDLED BY ATTORNEY GENERAL OR OTHER COUNSEL, CASE FILES--COURT OR OTHER ACTIONS HANDLED BY DEPARTMENT LEGAL STAFF.....	150-3-8-1-2-1	6
<u>PROTECTION & SAFETY CASE FILES</u>	150-3-8-1-3	7
PROTECTION AND SAFETY CASE FILES--CASES BEFORE THE DEPARTMENT, PROTECTION AND SAFETY CASE FILES--COURT OR OTHER ACTIONS HANDLED BY ATTORNEY GENERAL OR OTHER COUNSEL, PROTECTION AND SAFETY CASE FILES--COURT OR OTHER ACTIONS HANDLED BY DEPARTMENT LEGAL STAFF.....	150-3-8-1-3-1	7
<u>OBSOLETE RECORDS</u>		8
RECORDS DISPOSITION REPORT (BLANK FORM).....		9

SCHEDULE 150-3-8 – HEALTH AND HUMAN SERVICES SYSTEM LEGAL SERVICES

150-3-8-1 GENERAL LEGAL SERVICE FILES

150-3-8-1-1 ADVICE FILES, REGULATION FILES, LEGISLATION FILES

A. Files of opinions or advice by agency attorneys or Attorney General concerning state or federal statutes, regulations, cases, policies, procedures or other matters pertinent to Department programs and operation, and supporting documents and information, including such things as attorney work product; attorney-client communications; notes; letters or copies of letters; records of telephone calls or meetings; written statements of facts; copies of relevant cases; statutes or regulations; interoffice memoranda; and copies of Attorney General official or unofficial opinions or letters. May also include copies of investigative materials or reports or other confidential Department records.

B. Files of legal services provided for adoption of regulations. Files may contain copies of opinions of or advice by Department or Attorney General legal staff and other attorney-client communications; correspondence; notes; drafts of regulations; drafts and copies of adoption documents, such as copies of notices of public hearing, transmittal letters to and from the Attorney General, Secretary of State and Governor, impact memoranda to the Governor, certificates of adoption, proofs of publication; copies of exhibits for public hearings; copies of public hearing transcripts; regulation status forms; extra copies of agenda or meeting minutes of boards or advisory bodies; notes of telephone conferences or meetings; copies of cases, statutes, regulations or other research or reference materials used in drafting of rules and regulations.

C. Files on legal services provided in developing Department legislation and reviewing non-Department proposed legislation, including such things as: concept papers; bill outlines and questionnaires; drafts and copies of bills; bill proposal and review forms; copies of fiscal notes; intra-agency transmittal/routing slips; intra-division and intra-agency memoranda; legal opinions and other attorney-client communications; bill summaries; notes of telephone calls or meetings; copies of cases, statutes, regulations and other research or reference materials; correspondence or copies of correspondence; and copies of administrative directives or policies.

Dispose of after 10 years on which opinion/advice was given, subject to review by the State Archives for possible accession.

150-3-8-1-2 CASE FILES

(For purposes of this section, "**final disposition**" means that either time for appeal from a Department decision has expired without appeal, or all court actions regarding the file have been concluded and appeal rights exhausted.)

150-3-8-1-2-1 CASE FILES--CASES BEFORE THE DEPARTMENT, CASE FILES--COURT OR OTHER ACTIONS HANDLED BY ATTORNEY GENERAL OR OTHER COUNSEL, CASE FILES--COURT OR OTHER ACTIONS HANDLED BY DEPARTMENT LEGAL STAFF

A. Confidential case files relating to investigations, proposed actions, or actions brought by or filed before the Department such as actions to deny or discipline a license, permit, certificate or other form of approval of individuals or entities or to challenge actions brought; actions relating to contract or grant issues; actions to obtain Department review of a decision by others; actions to obtain a declaratory ruling by the Department or to adopt, amend or repeal Department regulations. Files may contain such things as: attorney work product; legal opinions and other attorney-client communications; copies of Department investigative files; correspondence or copies of correspondence; notes; transmittal letters or memoranda; interdivision memoranda; research memoranda; notes of telephone calls or meetings; copies of notices, pleadings, orders, and other documents filed in the case; copies of exhibits, exhibit lists, witness lists; copies of depositions and other discovery documents; briefs or memoranda; drafts or copies of settlement document or proposed settlements; drafts and/or copies of final decisions; drafts and/or copies of post-hearing pleadings or appeal filings.

B. Confidential case files of court actions by or against the agency or its representatives or employees, or actions brought before another agency such as NEOC, EEOC, actions before State Personnel Board, etc. Files may contain: attorney work product; attorney-client communications between Department counsel and Department staff and/or between Department and Attorney General staff; correspondence; notes; interoffice memoranda; intra-division memoranda; notes of telephone calls or meetings; transmittal letters of memoranda; copies or drafts of pleadings and other documents filed in court; copies or drafts of briefs or legal memoranda; copies of depositions or copies or drafts of other discovery documents; copies of Department file materials relevant to the case; copies of cases, statutes, regulations, or other research or reference materials.

C. Confidential case files of court actions or actions before other agencies such as NEOC, EEOC, State Personnel, State Claims Board, guardianship proceedings, etc., in which representation is handled by Department legal staff. Files may contain: attorney work product; attorney-client communications; correspondence; notes; interoffice memoranda; intra-division memoranda; notes of telephone calls or meetings; transmittal letters or memos; copies or drafts of pleadings or other documents filed; copies or drafts of briefs or legal memoranda; copies of depositions or drafts of other discovery documents; copies of Department file materials relevant to the case; copies of cases, statutes, regulations, or other research or reference materials.

Dispose of after 10 years.

150-3-8-1-3 PROTECTION & SAFETY CASE FILES

(For purposes of this section, "**final disposition**" means that either time for appeal from a Department decision has expired without appeal, or all court actions regarding the file have been concluded and appeal rights exhausted.)

150-3-8-1-3-1 PROTECTION AND SAFETY CASE FILES--CASES BEFORE THE DEPARTMENT, PROTECTION AND SAFETY CASE FILES-- COURT OR OTHER ACTIONS HANDLED BY ATTORNEY GENERAL OR OTHER COUNSEL, PROTECTION AND SAFETY CASE FILES--COURT OR OTHER ACTIONS HANDLED BY DEPARTMENT LEGAL STAFF

A. Confidential case files relating to investigations, proposed actions, or actions brought by or filed before the Department such as actions to deny or discipline a license, permit, certificate or other form of approval of individuals or entities or to challenge actions brought; actions relating to contract or grant issues; actions to obtain Department review of a decision by others; actions to obtain a declaratory ruling by the Department or to adopt, amend or repeal Department regulations. Files may contain such things as: attorney work product; legal opinions and other attorney-client communications; copies of Department investigative files; correspondence or copies of correspondence; notes; transmittal letters or memoranda; interdivision memoranda; research memoranda; notes of telephone calls or meetings; copies of notices, pleadings, orders, and other documents filed in the case; copies of exhibits, exhibit lists, witness lists; copies of depositions and other discovery documents; briefs or memoranda; drafts or copies of settlement document or proposed settlements; drafts and/or copies of final decisions; drafts and/or copies of post-hearing pleadings or appeal filings.

B. Confidential case files of court actions by or against the agency or its representatives or employees, or actions brought before another agency such as NEOC, EEOC, actions before State Personnel Board, etc. Files may contain: attorney work product; attorney-client communications between Department counsel and Department staff and/or between Department and Attorney General staff; correspondence; notes; interoffice memoranda; intra-division memoranda; notes of telephone calls or meetings; transmittal letters of memoranda; copies or drafts of pleadings and other documents filed in court; copies or drafts of briefs or legal memoranda; copies of depositions or copies or drafts of other discovery documents; copies of Department file materials relevant to the case; copies of cases, statutes, regulations, or other research or reference materials.

C. Confidential case files of court actions or actions before other agencies such as NEOC, EEOC, State Personnel, State Claims Board, guardianship proceedings, etc., in which representation is handled by Department legal staff. Files may contain: attorney work product; attorney-client communications; correspondence; notes; interoffice memoranda; intra-division memoranda; notes of telephone calls or meetings; transmittal letters or memos; copies or drafts of pleadings or other documents filed; copies or drafts of briefs or legal memoranda; copies of depositions or drafts of other discovery documents; copies of Department file materials relevant to the case; copies of cases, statutes, regulations, or other research or reference materials.

Dispose of after 20 years.

OBSOLETE RECORDS

35-15-3-1	LOG SHEETS
35-15-3-2	COMPUTER DATA ENTRY SHEETS
35-15-3-3	COMPUTER STATUS REPORTS
35-15-3-4	COMPUTER TAPES, DISKS AND DISKETTES
35-15-3-5	AGENCY COUNSEL REPORTS
35-15-3-6	ACTIVITY REPORTS
35-15-3-7	MANUALS
35-15-3-8	CORRESPONDENCE, GENERAL
35-15-4-1	TIME SHEETS AND TIME REPORTS
35-15-4-2	CONTRACTS
35-15-4-3	BUDGET FILES
35-15-4-4	OBLIGATIONS AND DISBURSEMENTS
35-15-4-5	INVENTORY
35-15-5-1	STAFF MEETING FILES
35-15-5-2	PERSONNEL FILES
35-15-6-1	GENERAL MANAGEMENT FILES
35-15-6-2	LEGAL DIVISION PLANNING/ADMINISTRATION FILES
35-15-6-3	LEGISLATIVE LIAISON FILES
35-15-6-4	RECORDS MANAGEMENT FILES
35-15-6-5	ADDRESS AND/OR TELEPHONE FILES
35-15-6-6	ITINERARY RECORDS
35-15-7	WORK PRODUCT
35-15-8	NON-RECORD MATERIAL
40-1-4-3	COLLECTIONS SYSTEM (Computer)
40-1-4-4	CONTRACTS
40-1-4-5	PATERNITY RELATED CLAIM FORMS
40-1-4-6	SOCIAL SERVICES PAYMENT FRAUD INVESTIGATIVE FILES
40-1-4-7	ATS – APPEAL TRACKING SYSTEM

Immediately dispose of obsolete records.

RECORDS DISPOSITION REPORT

TO: SECRETARY OF STATE RECORDS MANAGEMENT DIVISION 440 S. 8TH STREET SUITE 210 LINCOLN, NE 68508-2294	AGENCY
	DIVISION
	SUB-DIVISION

REQUIRED INFORMATION:

In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

OPTIONAL INFORMATION (FOR YOUR USE ONLY):

You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.

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DATE	SIGNATURE
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SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR YOUR RECORDS.
RMA 03006D

VOLUME ESTIMATING GUIDE

**(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK ESTIMATE
OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS ADEQUATE.)**

Vertical File Cabinet, 4 drawer letter-size.....	6 cubic feet
Vertical File Cabinet, 4 drawer legal-size	8 cubic feet
Lateral File, 4 drawer/shelf letter-size.....	9 cubic feet
Lateral File, 4 drawer/shelf legal-size	12 cubic feet
Records center carton	1 cubic foot
About a pickup load	50 cubic feet

VOLUME ESTIMATING GUIDE

**(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK ESTIMATE
OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS ADEQUATE.)**

Vertical File Cabinet, 4 drawer letter-size.....	6 cubic feet
Vertical File Cabinet, 4 drawer legal-size	8 cubic feet
Lateral File, 4 drawer/shelf letter-size.....	9 cubic feet
Lateral File, 4 drawer/shelf legal-size	12 cubic feet
Records center carton	1 cubic foot
About a pickup load	50 cubic feet